

10-08-08

1644  
JFW

Attorney Docket No.: 355908-1050

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Richard G. MILLER and Brian  
RABINOVICH

Title: COMBINATION THERAPY FOR  
AUTOIMMUNE AND  
ALLOIMMUNE DISEASES

Appl. No.: 09/541,033

Filing Date: March 31, 2000

Examiner: P. Nolan

Art Unit: 1644

CERTIFICATE OF EXPRESS MAILING  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service's "Express Mail Post Office To  
Addressee" service under 37 C.F.R. § 1.10 on the date indicated  
below and is addressed to: Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.

EV 512 615 773 US October 1, 2004  
(Express Mail Label Number) (Date of Deposit)

Rene Campos  
(Printed Name)

(Signature)

**COMMUNICATION**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Allowance for the above-noted application was mailed by the USPTO on  
July 2, 2004. Applicants filed the Issue Fee Transmittal together with the payment of the Issue Fee on  
August 26, 2004. A copy of this Transmittal is attached as Exhibit A.

The Notice of Allowance indicated that Applicants were required to submit corrected drawings  
for this application as required in the paper mailed May 4, 2001. Applicants note that a formal drawings  
were submitted on January 30, 2003, a copy of which is attached as Exhibit B.

Applicants maintain that the above complied with the requirement found in the Notice of  
Allowance. Moreover, Applicants enclose as Exhibit C a copy of the Issue Notification for this patent  
which evidences that the USPTO has moved this application to grant thereby accepting the drawings in  
the file.

The Commissioner is hereby authorized to charge any additional fees which may be required  
regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account  
No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount,

unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date Oct 1, 2004

By Gerald F. Swiss

FOLEY & LARDNER LLP  
Customer Number: 38706  
Three Palo Alto Square  
3000 El Camino Real, Suite 100  
Palo Alto, California 94306  
Telephone: (650) 856-3703  
Facsimile: (650) 856-3710

Gerald F. Swiss  
Attorney for Applicant  
Registration No. 30,113



Atty. Dkt. No. 355908-1050

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Applicant: Richard G. MILLER and Brian  
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CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 532153908 US (Express Mail Label Number)	8-26-04 (Date of Deposit)
Rene Campos (Printed Name)	
 (Signature)	

**ISSUE FEE TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find Issue Fee Transmittal Form PTOL-85(B) along with a check in the amount of \$695.00 for payment of the Issue Fee and ten additional copies of the issued utility patent.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 8-26-04

By Gerald F. Swiss

FOLEY & LARDNER LLP  
Three Palo Alto Square  
3000 El Camino Real, Suite 100  
Palo Alto, California 94306  
Telephone: (650) 856-3703  
Facsimile: (650) 856-3710

Gerald F. Swiss  
Attorney for Applicant  
Registration No. 30,113

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: MailMail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

07/02/2004

Gerald F. Swiss  
Foley & Lardner LLP  
Three Palo Alto Square  
3000 El Camino Real, Suite 100  
Palo Alto, CA 94306-2121

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for Express Mail, Label No. EV 532153908 US, in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

<u>Rene Campos</u>	(Depositor's name)
<u>[Signature]</u>	(Signature)
<u>8-26-04</u>	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,033	03/31/2000	Richard G. Miller	35828-0079	3667

TITLE OF INVENTION: COMBINATION THERAPY FOR AUTOIMMUNE AND ALLOIMMUNE DISEASES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	10/04/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
NOLAN, PATRICK J	1644	424-529000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Foley & Lardner LLP

2 \_\_\_\_\_

3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Vasogen Ireland Limited

Shannon, County Clare, IRELAND

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☒ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee
- ☒ Advance Order - # of Copies 10

## 4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 52,0572 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Gerald F. Swiss (Date) 8-26-04  
Gerald F. Swiss, Reg. No. 30,113

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



Inventor: Richard G. Miller et al.

Appl. No.: 09/541,033

Filing Date: March 31, 2000

Docket No.: 033136-119

Work Atty.: LLT:ab

Date: January 31, 2003

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The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Amendment or Response  | <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Certificate Under 37 C.F.R. § 3.73(b) | <input type="checkbox"/> Check for \$__ is enclosed   |
| <input type="checkbox"/> Preliminary Amendment  | <input type="checkbox"/> Transmittal Letter for Missing Parts of Application                                | <input type="checkbox"/> Check for \$__ is enclosed   |
| <input type="checkbox"/> Reply Transmittal Letter   | <input type="checkbox"/> Executed Declaration/Power of Attorney   | <input type="checkbox"/> Charge \$__ to Deposit Account   |
| <input type="checkbox"/> Petition for __ Month Extension of Time                                    | <input type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)                      | <input type="checkbox"/> Issue Fee Transmittal  |
| <input checked="" type="checkbox"/> Submission of Formal Drawings w/ 1 sheet of drawings (Fig. 1)   | <input type="checkbox"/> Claim for Convention Priority w/ __ certified copy(s)                              | <input type="checkbox"/> Payment of Issue Fee and Authorization to charge Deposit Account       |
| <input type="checkbox"/> Request for Approval of Drawing Changes w/ __ sheet(s) of red ink drawings | <input type="checkbox"/> Information Disclosure Statement w/ __ document(s)                                 | <input type="checkbox"/> Request for Refund   |
| <input type="checkbox"/> Notice of Appeal   | <input type="checkbox"/> Information Disclosure Citation (PTO-1449)   | <input type="checkbox"/> Status Inquiry   |
| <input checked="" type="checkbox"/> Brief for Appellant (in triplicate)                             | <input type="checkbox"/> Information Disclosure Statement Transmittal Letter                                | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Request for Oral Hearing   | <input type="checkbox"/> Request for Corrected Notice of Recordation of Assignment w/copy of Notice         | <input checked="" type="checkbox"/> Communication   |
| <input type="checkbox"/> Reply Brief  | <input type="checkbox"/> Request for Continued Examination  | <input checked="" type="checkbox"/> Transmittal Letter  |
| <input type="checkbox"/> Response to Restriction Requirement or Election of Species                 |   |   |

(10/00)



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Patent  
Attorney's Docket No. 033136-119

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Attention: <b>DRAFTING BRANCH</b>
Richard G. Miller <i>et al.</i>	)	
Application No.: 09/541,033	)	Confirmation No.: 3667
Filed: March 31, 2000	)	Group Art Unit: 1644
For: METHOD FOR TREATING	)	Examiner: Jessica H. Roark
AUTOIMMUNE AND ALLOIMMUNE	)	
DISEASES	)	
	)	

**SUBMISSION OF FORMAL DRAWINGS**

**BOX ISSUE FEE**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**ATTN: OFFICIAL DRAFTSMAN**

Sir:

Enclosed please find one (1) sheet of formal drawings for review by the Patent and Trademark Office. Should the enclosed drawings require changes, it is respectfully requested that the Patent and Trademark Office notify the undersigned of same.

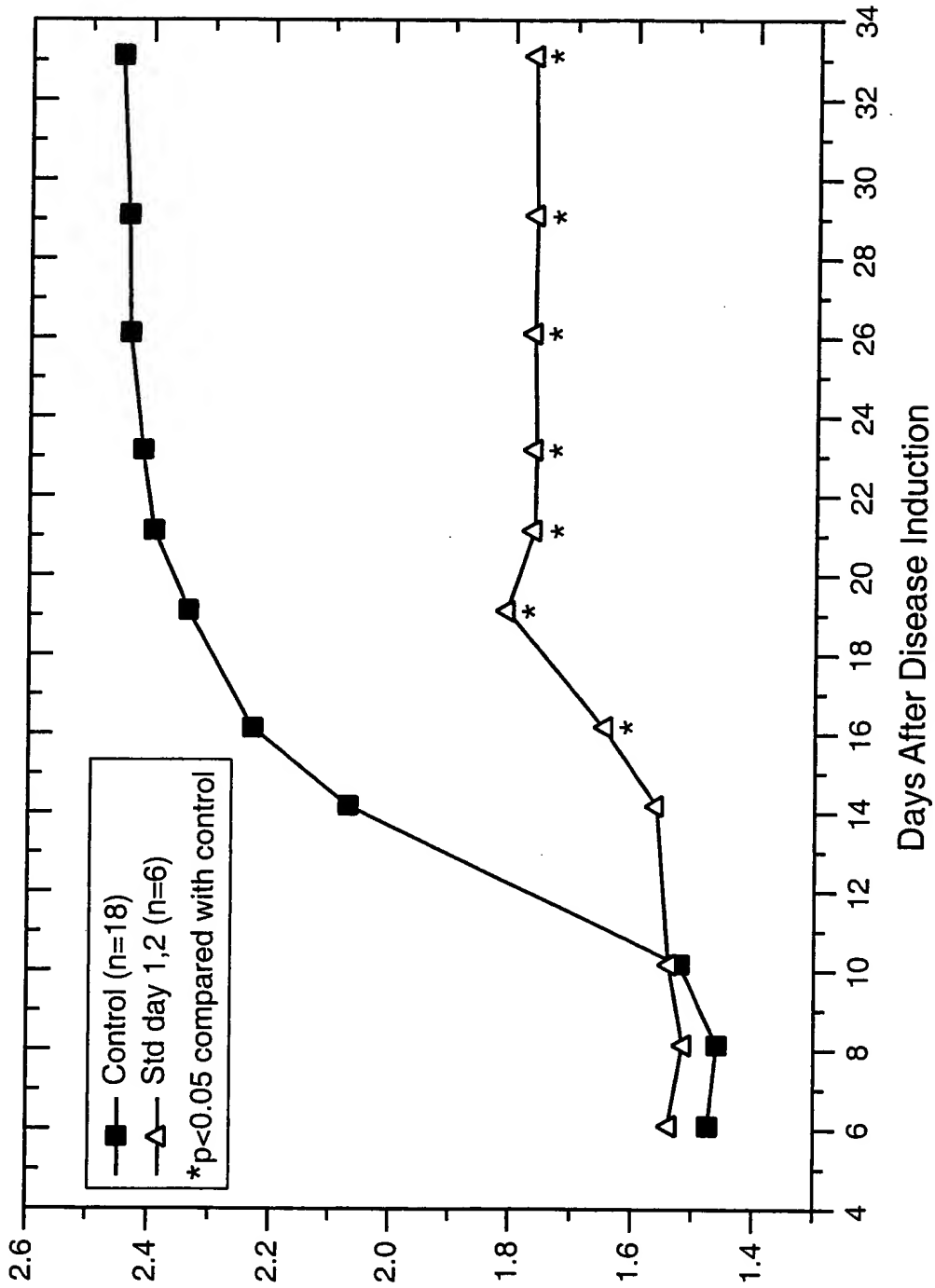
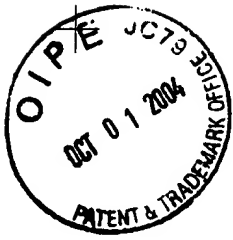
Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 30, 2003

By: Lorna L. Tanner  
Lorna L. Tanner  
Registration No. 50,782

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(650) 622-2300



**FIG. 1**





# Notice of Allowability

Application No.

09/541,033

Examiner

Patrick J. Nolan

Applicant(s)

MILLER ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the Initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's responses received 4-22-04.
2. ☒ The allowed claim(s) is/are 11-19.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5-4-01.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____   |

*Patrick J. Nolan*

PATRICK J. NOLAN, PH.D.  
PRIMARY EXAMINER

6/30/04



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,033	10/05/2004	6800300	35828-0079	3667

7590

09/16/2004

Gerald F. Swiss  
Foley & Lardner LLP  
Three Palo Alto Square  
3000 El Camino Real, Suite 100  
Palo Alto, CA 94306-2121

## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### **Determination of Patent Term Extension under 35 U.S.C. 154 (b)** (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Richard G. Miller, Toronto, CANADA;  
Brian Rabinovich, Toronto, CANADA;